

2016-17 UNIVERSITY OF MINNESOTA

February 3, 2017

P&A SENATE MINUTES: No. 3

The third meeting of the P&A Senate for 2016-17 was convened in 3-100 Mayo on Friday, February 3, 2017, at 9:30 a.m. System campuses were linked by ITV. Checking or signing the roll as present were 24 P&A senators and eight alternates. Chair Ety DeVeaux presided.

1. P&A CONSULTATIVE COMMITTEE REPORT

Chair Ety DeVeaux reported on the activities of the P&A Consultative Committee (PACC):

- DeVeaux, Chair-elect Catherine St. Hill, and two members of the Civil Service Consultative Committee traveled to the Duluth campus on December 14, 2017, to meet with relevant administrators and constituents there. It was a productive visit. They met with a steady stream of constituents, numbering about 30, including both P&A and Civil Service employees. Trips to the other system campuses are being planned for spring semester.
- Brian Burnett, senior vice president, Finance and Operations, attended the January 18, 2017, PACC meeting. He was receptive to addressing the concerns regarding the Job Family Study and interactions with Human Resources that PACC members brought forth, and immediately took these concerns back to Vice President for Human Resources, Kathy Brown.
- Senators and constituents can contact her directly at pasench@umn.edu email address. The email address was instituted earlier this academic year and she has been receiving regular communication through that avenue, including feedback on the aftermath of the Job Family Study, the faculty unionization effort, concerns around policies and procedures, complaints, and compliments.
- President Eric Kaler will attend the February 15, 2017 PACC meeting. Senators have been given the opportunity to submit questions for the president, and DeVeaux will report on the visit at the next senate meeting.
- President Trump's executive order on immigration and travel for individuals from seven predominantly-Muslim countries has had significant impacts on our community, among them a rise in incivility, and increased stresses and concerns for those impacted both directly and indirectly. DeVeaux stressed the importance of paying attention to each other's needs and promoting the message "we all belong here" through words and actions.

With regard to the executive order, Michael Winters, alternate, Global Programs and Strategy Alliance (GPS Alliance), said that the GPS Alliance is available as a resource for those affected. He urged members to contact GPS Alliance Senator Elizabeth Schwartz, Assistant Dean and Director of ISSS Barbara Kappler, Associate Vice President and Dean Meredith McQuaid, or himself for assistance.

2. P&A SENATE SUBCOMMITTEE REPORTS

Benefits and Compensation (B&C) Subcommittee

Ian Ringgenberg, co-chair, Benefits and Compensation Subcommittee reported that the subcommittee drafted a resolution on parental leave equity. The B&C committee is now working with other committees such as the Civil Service Consultative Committee to put forward a joint resolution to send on to the administration. The B&C subcommittee also drafted a resolution on increasing overall parental leave, but have decided to put it forth as an official request to the Office of Human Resources (OHR) to investigate the possibility of increasing leave, rather than as a resolution. The subcommittee will next be looking at tuition remission for employees, spouses and dependants. The University falls behind 11 peer institutions in this area, and is similar to two.

Several senators expressed interested in seeing the data on tuition remission benefits at peer institutions, and Ringgenberg said that the B&C subcommittee will share this data.

DeVeaux added that the parental leave equity resolution will be discussed and action taken on it at the next senate meeting.

Communications Subcommittee

Austin Calhoun, chair, reported that the Communications Subcommittee is ramping up its efforts to communicate with constituents. Work includes an audit of the P&A Senate website, which has been partially updated. Further updates will be made once the University Senate Office transitions the website to Drupal, which is expected to be completed by summer 2017. Calhoun also said that they have added a Google Form on which to submit applications to be featured in the Spotlight in the P&A Newsletter. The link to the form will be shared with senators.

Professional Development and Recognition (PD&R) Subcommittee

Peter Angelos, co-chair, Professional Development and Recognition Subcommittee, said that the subcommittee is working to plan the next Brown Bag session, which will take place in early April 2017 with the topic of financial wellness and planning. Angelos also reported that the December 15, 2016, Brown Bag which focused on the topic of sleep wellness had over 165 attendees between in-person and online viewers. The presentation is available to [view on the website](#). The committee also announced that nominations for the Outstanding Unit Award will be open February 13 to March 22, 2017. The award winners will be announced at the last P&A Senate meeting of the academic year, which is on May 5, 2017.

Outreach Subcommittee

Ann Hagen, chair, Outreach Subcommittee, said that the subcommittee is finalizing production on two commercials, one to recruit people to serve on the P&A Senate, and

one to introduce new employees to the senate. Hagen also reported that the sub-committee, on behalf of the Senate, has also had a presence at every New Employee Orientation this year. She also reminded members that it is election season, and encouraged people to think about chairing a subcommittee, running for chair-elect, and serving on the University Senate.

3. STUDENT SENATE REPORT

Fanda Yang, vice chair, Student Senate Consultative Committee (SSCC), reported that at the November 3rd, 2016 meeting, the Student Senate passed a resolution to revise the parental leave policy to extend equal benefits to University employees of all genders within each employment classification, to retain remaining benefits if child birth happens in a short window before employment, and to provide same benefits to graduate students on fellowship with tuition waivers.

The committee also approved a sustainable pollinator practices statement sponsored by the Duluth Student Association that encourages all five campuses to adopt best practices to promote healthy and natural environment for bee and other pollinator populations.

Ross Allanson, director, Parking and Transportation Services (PTS) attended the November 3rd meeting to gather student feedback on reduced-fare on-campus evening parking. A subsequent report authored by several student senators was sent to PTS.

Finally, the SSCC approved a resolution that will appear on the March 2017 Student Senate agenda. The resolution requests that the director of University Dining Services makes public student concerns regarding Aramark's lack of accommodations for religious and dietary restrictions along with other concerns that have been raised. If Aramark fails to adequately respond to these concerns by January 1st, 2018, the resolution asks the University not to renew the contract with Aramark.

**FANDA YANG, VICE CHAIR
STUDENT SENATE CONSULTATIVE COMMITTEE**

4. CIVIL SERVICE SENATE REPORT

Ray Munro, vice chair, Civil Service Consultative Committee (CSCC), said that the committee is continuing to work with OHR on the outcomes of the Job Family Study. Senior Vice President of Finance and Operations Brian Burnett will attend the next CSCC meeting to discuss this and other issues.

**RAY MUNRO, VICE CHAIR
CIVIL SERVICE CONSULTATIVE COMMITTEE**

5. SAFETY ON CAMPUS

Policies to Guide a Culture of Safety

DeVeaux introduced Michele Gross, director, University Policy Program, who was present to speak about both the aspirational (Board of Regents) policies and practical (administrative policies) that guide the campus community around safety. Gross said that the [Board of Regents Code of Conduct](#) can be broadly summarized by the phrase “do the right thing.” She said that the “right thing” is subjective and can be hard to define. All members of the University community are subject to the Code of Conduct and the definition of ethical conduct contained therein. The Code of Conduct states that “Community members must be committed to the highest ethical standards of conduct and integrity,” and Gross pointed out that the public and the media hold the University accountable for living up to the *highest* standards. “Good enough,” she said, is not good enough.

Gross said that while the Board of Regents policies form the foundation of University policy, administrative policies serve to guide community members on the implementation piece - the administrative policies define acceptable behavior and practices in the community. There are many administrative policies that address campus safety, including, but not limited to:

[Safety of Minors](#)

[Sexual Assault, Stalking and Relationship Violence](#)

[Sexual Harassment](#)

Gross concluded by reminding senators that all University community members play a part in campus safety.

**MICHELE GROSS, DIRECTOR
UNIVERSITY POLICY PROGRAM**

Your Campus, Your Safety: The Role of Our Campus Community in Campus Safety

DeVeaux introduced Matthew Clark, chief of police, University of Minnesota Police Department (UMPD). Clark thanked the senate for inviting him to speak, and emphasized that campus safety is a collaborative effort. He reported that only 0.3% of the violent crime that occurs in the city of Minneapolis takes place on campus. He highlighted that there are over 2,000 cameras and 60,000 alarms on campus, which, he said, aids in reducing crime on campus. To demonstrate one element on how safety on our campus works, Clark noted that when someone dials 911 on campus, it rings directly to UMPD, and they determine whether security or the police should handle the issue. Clark put the safety force at about 150 security monitors on campus, and 54 police officers. However, with 80,000 people on campus during a typical day, he said that it is important for community members to be active participants in campus safety by

reporting incidents that they may witness, and by getting to know their campus neighbors.

Clark then turned to student mental health, saying that the number one issue that UMPD deals with is assisting students in crisis. He encouraged community members to contact UMPD, Boynton Health Service, or Student Counseling Services if they encounter a student in crisis. If the student appears to be a danger to themselves or others, staff and faculty he advised Senators to contact the [Behavioral Consultation Team](#) at 612-626-3030. If an employee seems to be a threat to themselves or others, contact the Employee Temporary Threat Assessment team by calling Mike Overline 612-625-8710 or 612-625-4073, or Dave Fuecker at 612-626-7925. Clark said he recently hired an additional officer whose primary responsibility is mental health crisis intervention.

Another big issue on campus is alcohol awareness. Clark reminded senators that sexual assaults, and many other safety incidents, often involve alcohol. He said that when possible, officers act in a mentorship role rather than an enforcement role, with the goal of getting students to be safe, but that they will of course write citations when necessary.

The UMPD works closely with the Minneapolis Police Department, the Saint Paul Police Department, the Office of Student Conduct and Academic Integrity (OSCAI), etc.

In addition to monitoring safety and responding to incidents, Clark's major foci for the department are training and community engagement. Officers are trained on active shooter response, fair and impartial policing, and crisis intervention, among other skills. To foster community engagement, Clark hired two beat officers, whose main role is to walk around campus in order to meet community members and create positive interactions. The new beat officers started in October, 2016. Other community engagement efforts include coffee and doughnuts with the cops, a Nerf battle event, and the Police Olympics.

Clark then received and answered the following questions:

- **Can you talk about the sanctuary campus issue?**

Clark said that while UMPD does not detain, arrest, or investigate based primarily on immigration status, he cannot say that they don't work with Immigration and Customs Enforcement (ICE). He reiterated that no officer or security monitor should ever ask for a passport or immigration status.

- **How has UMPD prepared to handle the increased protests and demonstrations?**

Clark said that he personally has been out at all demonstrations, and that UMPD's primary role is to manage traffic and ensure safety. He encourages groups who are planning protests and demonstrations to work with UMPD so the UMPD can assist to ensure peaceful and safe demonstrations. As long as

demonstrators are not damaging property or assaulting people, UMPD has no problem with protests.

- **Do you work with students on how to demonstrate legally?**

UMPD meets regularly with the student associations, and the topic does come up.

With this, DeVeaux thanked Clark and he departed.

**MATTHEW CLARK, CHIEF OF POLICE
UNIVERSITY OF MINNESOTA POLICE DEPARTMENT**

Sexual Misconduct Policy

Kendra Okposo, associate to the director, Office of Equal Opportunity and Affirmative Action (EOAA), presented a draft of the new Sexual Misconduct Policy, which aims to combine and replace the Sexual Assault, Stalking and Relationship Violence Policy and the Sexual Harassment Policy, as well as provide additional information not currently covered in either of these policies. Okposo explained that the Office of Civil Rights had instructed EOAA to combine these policies.

Okposo highlighted the following major changes in the policy:

- In section II, the current policy specifies that University employees with advisory or supervisory duties are mandatory reporters. Under the new policy, all University employees will be mandatory reporters. Definitions of terms such as “incapacitated” and “coercion” have been added or clarified.
- An amnesty provision for drug and alcohol had been added. This provision already existed in practice, but had not previously been in writing.
- Information on the investigative and investigative processes was added.

She said that the mandatory reporting provision is very important, because both the University and the individual who fails to report can be sued as a result of failure to report. Under the law, once a “responsible employee” (mandatory reporter) knows about the incident, the University, as an entity, is deemed to be aware of it. Therefore, Okposo stressed that anytime a faculty or staff member learns of an incident of sexual misconduct (assault, harassment, stalking, or relationship violence) involving a student, that employee should inform the student that they are a mandatory reporter, and then call EOAA. If an employee is in doubt about whether something is an incident that requires reporting, they can call EOAA and talk in hypotheticals, without revealing the student’s name, until it is established that the incident is reportable. Once an incident is deemed reportable, EOAA will take the complainant’s name and reach out to the student by email. The email typically names the reporter, contains information about EOAA and the investigative process, and gives the student resources. (The reporter can choose to send the email if they desire, and can also request that they not be named.) The student then decides how to proceed. If they do not choose to pursue an investigation, the case is closed. There are very limited exceptions to this, however, such as in the case of an especially violent assault or an assault involving a weapon. In these cases, Title IX requires EOAA to investigate.

If the incident involves an employee, not a student, the process works much the same way, except that incidents of sexual harassment can be reported to the supervisor or HR, rather than EOAA.

Okposo said that students have said they appreciate having someone reach out every time the University becomes aware of an incident, and staff and faculty appreciate being able to consult with EOAA.

Okposo then received and answered the following questions:

- **Is there mandatory training around this policy? If not, why not?**
Okposo said that an online training exists, and that she would love for training to be mandatory for all employees. Currently, it is not, but individual units can require it of their employees. They are working to push to make it mandatory for all employees.
- **Is the information included in the New Employee Orientation?**
EOAA has a table, but their section was cut from the presentation. They are trying to get it reinstated.
- **What is the best way to train student employees, who are also mandatory reporters?**
They can watch the online training, and it is important for supervisors to point out that mandatory reporting applies to incidents they learn of in the context of their campus job-- not in social interactions. Students also appreciate knowing that reporting an incident does not automatically mean that there will be an investigation, and that that is the complainant's decision. Okposo also said that EOAA can come and do in person trainings.
- **What protections are in place for someone who is wrongly accused of sexual misconduct?**
Okposo said that if there is no investigation, nothing happens and no one is formally accused. If there is an investigation and it is determined that the accused did not violate policy, nothing happens. Gross added that some institutions have language around restoring the reputation of an individual who has been wrongly accused, but the University policy does not currently address this issue. Okposo clarified that both sides are afforded advocates throughout the process, and all parties are instructed not to gossip or talk about the investigation. The EOAA maintains confidentiality throughout. Okposo said that she would bring this concern back to the group who are revising the policy.
- **When the policy is approved and goes into effect, what communication will there be to ensure that people are aware of the change?**
Okposo said that there will be an email from EOAA, including a link to the online training. Gross added that it will also be in the Brief, as well as on the policy listserv (which requires opting in). DeVeaux said that the P&A Senate could also send out a notification to senators to pass on to constituents.
- **Under the new administration in the White House, do you expect the federal law to change?**

Okposo said that honestly, they do not know.

- **What is the timeline for the roll-out of this new policy?**

It should be in 30-day review before the end of the academic year. After the 30-day review, if there are no significant changes, it will be published. If there are significant changes, it may take longer. The hope is to have it in place by fall 2017.

One constituent expressed, via their senator, concern that mandatory reporting undermines survivor agency. Many sexual assault survivors experience a deep sense of disempowerment, and mandatory reporting takes the choice about who knows about their assault away from them. Okposo said that they have heard a lot of feedback to this effect. She emphasized that it is the complainant's decision whether or not to pursue an investigation, and while mandatory reporting does make one additional person aware of the assault, that person's only role, unless the complainant requests further involvement, is to provide resources so that the complainant can make the most informed decision.

Another concern was that P&As may be more likely to be fired for non-reporting than other employee groups, such as tenured faculty, Civil Service, and Bargaining Unit employees, due to the lack of protection. Okposo said that she had not noticed a difference in treatment between employee classifications-- employees failing to report have been universally let go. However, she said she would make note of the concern.

With that, DeVaux thanked Okposo and she departed.

**KENDRA OKPOSO, ASSOCIATE TO THE DIRECTOR
OFFICE OF EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION**

6. P&A SENATE OLD BUSINESS

None.

7. P&A SENATE NEW BUSINESS

Steve Shore, senator, said that he had been asked to bring up the staff/faculty picnic that used to take place. His constituent thought it was a good opportunity to meet colleagues and network, and would like to bring it back.

Ringgenberg said that B&C would have their parental leave equity resolution ready for discussion and action at the April 2017 P&A senate meeting.

8. P&A SENATE ADJOURNMENT

DeVaux adjourned the meeting at 11:24 a.m.